

REMARKS

It was stated in the Office Action that the application contains the following separate patentably distinct species:

Figure 4: Claims 26-32

Figure 5: Claims 33-37

It was further stated that currently no claim is generic. Accordingly, the invention was restricted to the above-identified patentably distinct species.

In response to the requirement and in accordance with statutory requirements, Applicants provisionally elect Claims 26-32 with traverse and withdraw Claims 33-37 from consideration.

Applicants respectfully submit that this election should not be interpreted or construed as a limitation on the breadth and scope of elected and non-elected claims, but is merely a sufficient response to the restriction requirement.

Traverse

Applicants respectfully traverse the restriction requirement. For a proper restriction requirement to be maintained, the Examiner must show that a serious burden exists as to search and examination of the entire application if the claims are not restricted. In particular, MPEP § 803 requires:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Thus, even assuming, *arguendo*, that the Examiner has established that the restricted claims are directed to distinct and independent inventions, the Examiner must still examine all of the claims if there is no serious burden.

Applicants respectfully submit that no serious burden exists in the present application, as MPEP § 803 further provides:

For purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02.

The Examiner has failed to make such a *prima facie* showing. Specifically, in a telephone call to the Examiner by Applicants' attorney, the Examiner was unable to articulate any separate classification or separate status in the art. In fact, the Examiner indicated that it was possible the restricted claims are in the same search class, thus failing to meet even the *prima facie* requirements for maintaining a restriction requirement.

Moreover, Applicants have already received an office action on the merits on all of Claims 26-37, thus providing further evidence that no serious burden exists. That is, the Examiner did not find a serious burden and was able to perform a search and examination of all the claims in the office action mailed on February 16, 2005. Therefore, as demonstrated by the Examiner's own actions, the restriction is improper.

Finally, Applicants respectfully point out that the Examiner had previously filed a restriction requirement, mailed on January 4, 2005, and thus had an opportunity to advance prosecution and make further restrictions at that time. However, the Examiner did not make any requirement as to Claims 26-37. Instead, the Examiner stated in the January 4, 2005, restriction requirement that "Claims 26-37, drawn to programmable logic device, classified in class 326, subclass 38." Thus, the Examiner indicates that Claims 26-37, presently subject to a restriction requirement, do not have separate classification.

Therefore, for at least the foregoing reasons, Applicants believe the restriction requirement is improper, and respectfully requests withdrawal of the requirement and examination of all claims 26-37, believed to be allowable.

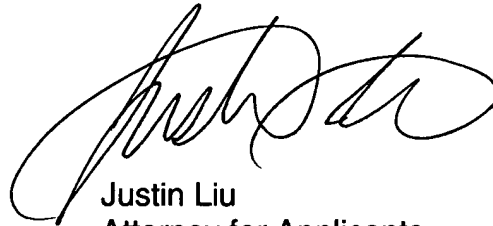
Conclusion

Based on the foregoing remarks, Applicants respectfully request withdrawal of the restriction requirement and allowance of the pending claims.

The Director is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account 24-0040.

Should the Examiner have any further comments and suggestions, it respectfully requested that the Examiner telephone the undersigned in order to expeditiously resolve any outstanding issues.

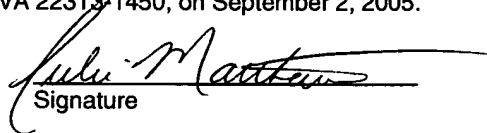
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on September 2, 2005.

Julie Matthews
Name


Signature